

REMARKS

Claims 1-7, 10-27, 30-35 and 38-40 are pending. Claims 1-7, 10-27, 30-35 and 38-40 were rejected in the Office Action dated June 4, 2009. Reconsideration of all rejected claims is requested in light of the arguments and amendments presented here.

Claim Rejections Under 35 U.S.C. §103

Claims 1-7, 10-27, 30-35 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Publication No. EP 0738991 A2 to Quest ("Quest") in view of U.S. Patent No. 5,999,952 to Jenkins et al. ("Jenkins").

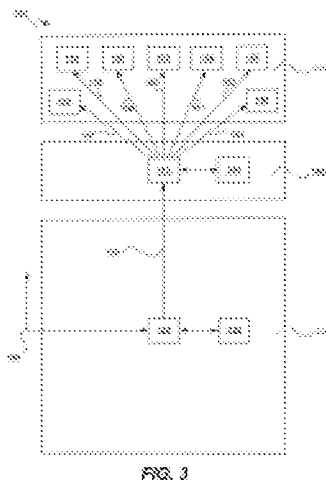
Claim 1 recites a gaming machine comprising:

“a master gaming machine controller... located in a main cabinet of the gaming machine...

a top box that contains a plurality of peripheral devices... and

a universal gaming engine located outside the main cabinet, said universal gaming engine having at least one dedicated processing unit, at least one associated storage device and a second universal communication interface, wherein said dedicated processing unit is separate and distinct from said master gaming controller, and wherein said universal gaming engine is adapted to control a substantial portion of said plurality of peripheral devices on said removable and interchangeable major component.”

Support for claim 1 is found throughout the specification, for example in FIG. 3 (reproduced below). “As illustrated, gaming machine 100 is broken into three major components, main cabinet 112, universal top box engine 140 and top box 111.” Paragraph 0050.



In contrast, the cited references do not teach or suggest such an arrangement with a universal game engine having a dedicated processing unit (outside the main cabinet) that is separate and distinct from the master gaming machine controller (in the main cabinet). Neither reference appears to disclose or suggest such a separate and distinct unit in addition to a master gaming machine controller. While Quest discloses microprocessor unit 23, Quest does not appear to disclose any other processing unit. Jenkins also fails to show more than a single unit (core unit 1 of FIGs. 1-3). Thus, even if Quest was modified according to Jenkins, such a modification would appear to merely replace microprocessor unit 23 with a removable core unit (like core unit 1) of Jenkins. There is no teaching or suggestion of providing two separate and distinct units like the master machine controller and dedicated processing unit of claim 1.

The Office action acknowledged that Quest “fails to explicitly teach a universal game engine located outside the main cabinet.” Jenkins was cited as showing such a universal game engine. However, Jenkins does not disclose a game engine of any kind because Jenkins is not directed to game controllers or gaming machines and is thus not analogous prior art. Furthermore, because Jenkins is not directed to such gaming machines, Jenkins does not disclose locations of components relative to a main cabinet. In short, Jenkins is not analogous prior art and fails to disclose the features for which it is cited.

“To rely on a reference under 35 USC 103, it must be analogous prior art.” MPEP 2141.01(a). Jenkins is in class 708 – “Electrical computers: Arithmetic processing and calculating” while the present application is classed in 463 – “Amusement devices: Games.” More importantly, the structure and function of Jenkins is completely different. “While Patent Office classification of references and the cross-references in the official search notes of the class definitions are some evidence of ‘nonanalogy’ or ‘analogy’ respectively, the court has found ‘the similarities and differences in structure and function of the inventions to carry far greater weight.’ *In re Ellis*, 476 F.2d 1370, 1372.” MPEP 2141.01(a). Jenkins shows a structure that includes a core unit in an enclosure such as a desktop, laptop or mobile computer. “An enclosure could be a conventional desktop, laptop or mobile computer,” column 1, lines 15-16. Jenkins does not appear to disclose any gaming machine related structure. To the extent that the function of Jenkins is understood, it appears unrelated to gaming.

While Jenkins is cited as disclosing the universal game engine of claim 1, nothing in Jenkins appears to correspond to a dedicated processing unit that is separate and distinct from a

master gaming controller of claim 1. Jenkins shows a single core unit 1 and does not teach or suggest that it is combined with another separate and distinct unit.

Jenkins appears to provide no disclosure that is relevant to the “universal gaming engine located outside the main cabinet” of claim 1. To the extent that an enclosure of Jenkins is considered as a main cabinet, it is clear that the core unit of Jenkins is in such an enclosure. “The core unit remains dormant and non-functional until it is positioned in a compatible enclosure,” Abstract. Thus, at most, Jenkins suggests an alternative configuration for a microprocessor such as microprocessor 23 of Quest.

Quest does not disclose a top box, giving the term its plain meaning. See MPEP 2111.01 III: “Plain meaning refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art.” Kopera uses the term “top box” and provides evidence as to the term’s meaning as understood by those skilled in the art. “A gaming machine for conducting a wagering game includes a game display and a top box display. The game display is for displaying the wagering game.” Abstract. Thus, Kopera indicates that a top box is separate from a game display while the panels of Quest appear to be game displays. Thus, the panels of Quest cannot be considered to be top boxes. For example, compare top boxes of FIG. 8 of Kopera with the apparatus of Quest, FIG. 1. It is clear that the removable panels of Quest are not top boxes. Thus, Kopera provides evidence that the rejection is based on giving claim terms an unreasonable meaning. “Claims must be given their broadest reasonable interpretation,” MPEP 2111 (emphasis added).

To the extent that Kopera is cited as providing some motivation to modify the panels of Quest, it is unclear how such a modification is relevant to the present rejection. What “modular concept” would be applied and to what components? How is this relevant to the absence of a universal game controller from Quest? Clarification is requested. To the extent that Kopera is cited as providing a feature that is absent from Quest (a top box), no motivation is provided for replacing the panels of Quest by a top box of Kopera. In any case, Kopera does not appear to provide any disclosure that is relevant to the universal game controller of claim 1.

Independent claims 22, 23, 33, and 38 recite features including the master game controller or processing means being “located in a main cabinet of the gaming machine” and the universal gaming engine or universal engine means “located outside the main cabinet.” As discussed with respect to claim 1, these features are not shown by the cited references.

Furthermore, claims 23, 33, and 38 recite “said one or more major components comprises a top box that contains a plurality of peripheral devices.” However, Quest does not appear to disclose such a feature, giving the term its plain meaning, as evidenced by Kopera. All dependent claims depend from one of the independent claims discussed above and are therefore submitted to be allowable at least for depending from an allowable base claim and further for reciting additional features that are not shown in the cited references.

Claims 39 and 40 were rejected although it was acknowledged that the cited references failed to disclose the claim features, and no other source was cited. The rejection was based on an unsupported assertion that the features were known in the prior art. “Quest substantially discloses the invention as claimed but fails to explicitly teach a top box with a plurality of peripheral devices. However, it is notoriously well known in the art to include these devices in a top box display to attract players and increase player appeal.” Page 9, lines 13-16. This statement fails to address the features recited in claims 39 and 40, which recite specific configurations of particular devices and controllers (not simply “a plurality of peripheral devices” as indicated). The statement does not properly take Official Notice of any facts that might support a rejection (to the extent that Official Notice was intended, it is traversed as an attempt to Officially Notice the state of the art, see MPEP 2144.03A). The rejection is unsupported by any reference under 37 CFR 1.104(d)(1) and thus appears to be based on the Examiner’s personal knowledge under 37 CFR 1.104(d)(2). Support is hereby requested under 37 CFR 1.104(d)(2) for any such material. Because no basis is provided for the rejection of claims 39 and 40 (neither references, Official Notice, nor Examiner’s knowledge) the rejections of these claims are defective and cannot be maintained.

CONCLUSION

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned at 510-663-1100 would be appreciated.

Respectfully submitted,
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